## Remarks

This is in response to the Office Action mailed on February 20, 2002, in which claims 1-6 were rejected under 35 U.S.C. § 103(a). Claim 6 has been canceled without prejudice as to its future prosecution. Claims 1-4 have been amended. Claims 7-17 have been added. Support for claims 7 and 8 can be found on page 18, lines 6-9 and 19-20 of the application. Support for claims 10-12 and 13-17 can be found on page 15, line 16 to page 16, line 14 of the application. No new matter has been added. Claims 1-5 and 7-17 remain pending in the application. Reconsideration and allowance of all pending claims are respectfully requested.

In section 4 of the Office Action, claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schieve et al., U.S. Patent No. 5,455,933, in view of Cheffetz et al., U.S. Patent No. 5,133,065. This rejection is respectfully traversed. Claim 6 has been canceled without prejudice.

Claim 1 is directed at a computer program pre-recorded on a removable storage medium, the removable storage medium being loaded into a removable media storage device of a local computer. Claim 1 recites that the program includes a remote data recovery operating program and a communication program for establishing communication with a remote data recovery computer for diagnosing and rectifying data on the local computer.

As noted in the rejection, Schieve discloses a method for remote diagnosis of personal computers for providing an independent diagnostic environment including a set of diagnostic routines that are embedded in non-volatile memory. Schieve fails to suggest a computer program including a remote data recovery operating program pre-recorded on a removable storage medium, the removable storage medium being loaded into a removable media storage device of the local computer, as recited by claim 1.

For example, Schieve must pre-load the initial diagnostic routine into the non-volatile memory of the local computer. Therefore, only computers containing the non-volatile memory with the initial diagnostic routine can be remotely diagnosed. In contrast, claim 1 provides a removable storage medium which can be loaded into a removable media storage device of virtually any computer, amounting to a savings in cost and increased flexibility in use.

Further, the addition of Cheffetz does not remedy the shortcomings noted in Schieve. As the rejection states, Cheffetz merely discloses a computer network for backing up computer data and program files onto a backup media for subsequent restoration in the event such files are inadvertently corrupted or destroyed. However, restoration from "off-line" backup systems such as Cheffetz can be time-consuming and may provide data which is aged with respect to the data which could be potentially available through data recovery procedures. See page 2, lines 14-19 of the present application. Further, Cheffetz only discloses restoration and fails to suggest diagnosing and rectifying data on the local computer, as recited by claim 1.

Therefore, for at least these reasons, Schieve and Cheffetz fail to render claim 1, as well as claims 2, 3, 7, and 8 that depend therefrom, obvious under section 103(a). Reconsideration and allowance are respectfully requested.

Claim 4 is directed to a method of data recovery including, inter alia, establishing a communications link between a local computer having a data storage device requiring recovery of data and a remote data recovery computer, diagnosing the data storage device, and rectifying data on the data storage device of the local computer. As described above, neither Schieve nor Cheffetz disclose or suggest rectifying data on a data storage device, as recited by claim 4. Therefore, for at least this reason, claim 4, as well as dependent claim 5, should be allowable. Reconsideration and allowance of claims 4 and 5 are respectfully requested.

New claims 9-17 are directed at various aspects of the present invention and should be allowable for at least the same reasons as expressed above with respect to claims 1 and 4, as well as additional reasons. Consideration and allowance of claims 9-17 are respectfully requested.

In view of the above amendments and remarks, claims 1-5 and 6-17 are now in condition for allowance. Reconsideration and allowance are respectfully requested. The Examiner is encouraged to contact the undersigned attorney at (612) 336-4638 should an interview be beneficial in moving this case into condition for allowance.

Respectfully submitted,
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**Marked Up Version to Show Changes Made**

**In the Claims**

Please cancel claim 6 without prejudice.

Please amend claims 1-4 as follows.

1. (Amended) A computer program pre-recorded on a removable storage medium, the removable storage medium to be loaded into a removable media storage device of a local computer, the computer program comprising:

a [bootable] remote data recovery operating program locally operable by a central processing unit of the local computer [and independently of a normal operating system of the local computer]; and

a communication program [means] for establishing communication with a remote data recovery computer for diagnosing and rectifying data on the local computer.

2. (Amended) A computer program in accordance with claim 1, wherein the [bootable] remote data recovery operating program comprises a data recovery diagnostic program.

3. (Amended) A computer program in accordance with claim 1, wherein the [bootable] remote data recovery operating program comprises a data recovery application program.

4. (Amended) A method of data recovery, comprising:

establishing a communications link between a local computer having a data storage device requiring recovery of data and a remote data recovery computer;

enabling interaction between the local computer and the remote data recovery computer;

maintaining access to data recovery programs resident at the remote data recovery

computer;

diagnosing the data storage device; and

[recovering] rectifying data on the data storage device of the local computer.

Please add new claims 7-17 as follows.

7. (New) A computer program in accordance with claim 1, wherein the remote data recovery operating program is bootable independently of a normal operating system of the local computer.

8. (New) A computer program in accordance with claim 1, wherein the remote data recovery operating program is operable in a normal operating system of the local computer.

9. (New) A modulated data signal having computer-executable instructions embodied thereon comprising:

loading a remote data recovery application program from a storage medium into memory of the local computer;

establishing communications between the local computer and a remote data recovery computer through operation of the remote data recovery application program by the local computer;

downloading a data recovery application program from the remote data recovery computer to the local computer; and

remotely controlling the local computer by the remote data recovery computer, whereupon data recovery can be performed through operation of the remote data recovery computer.

10. (New) A data recovery system for recovering data from a data storage medium, comprising:

a local computer associated with the data storage medium, the local computer having memory;

a plurality of remote data recovery computers including a first remote data recovery computer;

a remote server coupled to the plurality of remote data recovery computers; and

a remote data recovery program to be loaded into the memory of the local computer to establish communications with the remote server, wherein the remote server establishes communications with the first remote data recovery computer and wherein the remote data recovery program permits the local computer to be remotely controlled by the first remote data recovery computer for recovery of data from the data storage medium.

11. (New) The system of claim 10, wherein the remote server terminates communications with the first remote data recovery computer and establishes communications with a second remote data recovery computer from the plurality of remote data recovery computers to permit the local computer to be remotely controlled by the second remote data recovery computer.

12. (New) The system of claim 10, further comprising a removable storage medium from which the remote data recovery program is loaded into the memory of the local computer.

13. (New) A method for remotely recovering data from a local computer, the method comprising steps of:

downloading a data recovery application program from a first remote server to the local computer;

installing the data recovery application program on the local computer;

loading the data recovery application program into memory of the local computer;

establishing communications between the local computer and a second remote server through operation of the data recovery application program by the local computer;

routing, by the second remote server, the communications to a first remote data recovery computer; and

remotely controlling the local computer by the first remote data recovery computer, whereupon data recovery can be performed through operation of the remote data recovery computer.

14. (New) The method of claim 13, wherein the step of establishing communications comprises a step of establishing communications between the local computer and the second remote server through a network.

15. (New) The method of claim 13, wherein the step of establishing communications comprises a step of establishing communications between the local computer and the second remote server using a modem.

16. (New) The method of claim 13, wherein the first remote server and the second remote server are one server.

17. (New) The method of claim 13, further comprising a step of rerouting, by the second remote server, the communications to a second remote data recovery computer.